

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
for *Charlottesville*
JUN 27 2006

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
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DANIELLE F. LEE

Plaintiff,

v.

AMERISIST ASSISTED LIVING
AMERISIST MANAGEMENT COMPANY, L.L.C.,

Defendants.

CIVIL ACTION NO. 3:06-CV-0002

ORDER AND OPINION

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff's Motion to Reconsider, filed on June 16, 2006. This motion is hereby DENIED. Plaintiff filed her brief in opposition to Defendants' motion to set aside default on June 15, 2006. The Court considered this brief, determined that Defendants' motion should nonetheless be granted, and entered an order to that effect on June 16, 2006. Plaintiff's arguments against the existence of a meritorious defense are more appropriate to the summary judgment phase of litigation; all that a defendant must do to show a meritorious defense for purposes of relief from entry of default is proffer evidence which, if believed, would permit a court or jury to find for the defaulting party. *United States v. Moradi*, 673 F.2d 725, 727 (4th Cir. 1982). As the Court's Order of June 16 noted, Defendant has met that burden here. Accordingly, Plaintiff's Motion to Reconsider must be denied.

It is so ordered.

The Clerk of the Court is directed to send a copy of this Order to all parties.

ENTERED:

Norman D. Moon

U.S. District Judge

June 27, 2006

Date